

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.1322 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of the 3rd respondent in registering Crime No.59 of 2016, dt.17.03.2016, against the petitioners for the offences punishable under Sections 509, 323 and 506 read with 34 IPC, as arbitrary and illegal and consequently, to quash the same.

2. Heard and perused the material available on record.

3. It is alleged in the compliant that the marriage of the *de facto* complainant was performed in the year 2004 and she had one male child. Her husband by name Prabhakar died in the year 2009. After his death, herself and her son are residing in a rented house. She had 5 ³/₄ cents of house site and due to major health problem in the year 2012, for taking treatment, she intends to sell away Ac.0.30 cents. The 1st petitioner, who is a resident of Narasapuram came forward to purchase the same and paid an amount of Rs.50,000/- as advance and entered into an agreement with a condition to register the property in his name. Though six months have elapsed, the 1st petitioner did not come forward for registration and replied that he will register the land. Subsequently, though four years have elapsed, the 1st petitioner did not give any reply, the *de facto* complainant entered into an agreement-cum-general power of attorney with one B.Venkata Mahalakshmi Rama Rao.

On 17.03.2016 morning the *de facto* complainant came to know that the 1st petitioner and some others are raising construction in the site, she went and questioned the same. But, the said person outraged her modesty and abused her in filthy language, fisted her by threatening not to enter into the land. Basing on these allegations, the present complaint is lodged.

4. Learned counsel for the petitioners submits that the *de facto* complainant cheated the petitioners by taking money and damaged the property, which was sold to petitioner No.1 and in that connection petitioner No.1 lodged a complaint and as a counterblast, the *de facto* complainant lodged the present complaint in order to grab the property; that basing on the complaint, the police are trying to arrest the petitioners.

4. Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against the petitioners and respondent No.3 is investigating the matter in accordance with law.

5. Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, respondent No.3 is hereby directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioners. The petitioners are directed to appear before respondent No.3 and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their appearance as and when required for the purpose of investigation.

6. With the above direction, the Writ Petition is disposed of.
There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition
shall stand closed.

JUSTICE RAJA ELANGO

06.01.2017
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